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EXAMINER

EDGAR, RICHARD A

ART UNIT PAPER NUMBER

3745

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/523,103

Applicant(s)

ARELT, RAINER

Examiner

Richard Edgar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 1, second paragraph, line 3, "an" should be -- and --.

On page 14, line 3, -- 416 -- should be inserted after "locking rim".

On page 14, the first full paragraph, 3rd from the last line, the underscore before "into" should be deleted.

Appropriate correction is required.

Claim Objections

Claims 5-20, 24 and 25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent

protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claims 1 and 12 each recites the broad recitation "at least one", and the claim also recites "preferably at least two" which is the narrower statement of the range/limitation.

Claims 1 and 5 each recites the broad recitation "adhesive", and the claim also recites "resin" which is the narrower statement of the range/limitation.

Claim 6 recites the broad recitation "about 130-230", and the claim also recites "preferably about 150-210", and the claim also recites "particularly preferably about 170-190" and the claim also recites "in particular about 180 Mpas" which is the narrowest statement of the range/limitation.

Claim 6 recites the broad recitation "about $1.2-2 \times 10^5 \text{ m}^2/\text{s}$ ", and the claim also recites "preferably $1.4-1.8 \times 10^5 \text{ m}^2/\text{s}$ ", and the claim also recites "in particular about $1.6 \times 10^5 \text{ m}^2/\text{s}$ " which is the narrowest statement of the range/limitation.

Claim 18 recites the broad recitation "a construction corresponding to the construction of adjacent regions of the rotor blade elements", and the claim also recites "preferably a laminate-shaped construction" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,638,466 (Abbott hereinafter).

Abbott shows a rotor blade element 40 for the rotor of a wind power system (col. 7, lines 13-20), wherein the rotor blade element 40 is connectable with at least one further rotor blade element 42 to form a rotor blade 30, and the rotor blade element 40 has a recess at the end connectable with the further rotor blade element 42 which is part of a space filled with adhesive in the connected state (see col. 9, lines 4-8).

Abbott also shows a rotor blade element 40 for a rotor blade 30 of a wind power system (col. 7, lines 13-20), comprising a shell (see FIG. 3); and a diminution 50 of the

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shell facing a separation line; wherein the diminution 50 is designed to form a hollow space with a connecting element 44 necessary for assembly of the rotor blade 30.

The rotor blade element 40 is a prefabricated longitudinal module.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,474,536 (Gougeon et al. hereinafter).

Gougeon et al. teach a connecting element 27 for connecting rotor blade elements 15, 16 for a rotor blade of a wind power system (FIG. 1), comprising: at least two fixing segments 27b, and locking segments 27a surrounding said fixing segments, wherein the connecting element 27 has diminutions directed outwardly in the direction of the longitudinal axis of the rotor blade elements to be connected (see FIGS. 6-8), and wherein the diminutions are formed in such a way that the connecting element 27 forms a hollow space with the rotor blade elements 15,16 to be connected (see FIG. 3).

Cited Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Application No. 2006/0083611 (Wobben) is cited for showing a butt-connection for hollow wind turbine blades.

United States Patent No. 4,120,998 (Olez) is cited for showing a composite structure comprising two parts cured together with an intermediate resin.

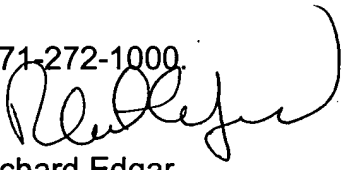
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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard Edgar
Examiner
Art Unit 3745

RE